

House File 2246 - Introduced

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BY DE BOEF

A BILL FOR

1 An Act relating to a mechanic's lien and the filing of a bond.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 572.8, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 1A. At the time of the filing of the lien
4 pursuant to subsection 1, the person shall file a bond in the
5 amount of one thousand dollars.

6 Sec. 2. Section 572.8, subsection 2, Code 2011, is amended
7 to read as follows:

8 2. Upon the filing of the lien and the bond, the clerk
9 of court shall mail a copy of the lien to the owner. If the
10 statement of the lien consists of more than one page, the clerk
11 may omit such pages as consist solely of an accounting of the
12 material furnished or labor performed. In this case, the clerk
13 shall attach a notification that pages of accounting were
14 omitted and may be inspected in the clerk's office.

15 Sec. 3. Section 572.32, subsection 2, Code 2011, is amended
16 to read as follows:

17 2. In a court action to challenge a mechanic's lien filed
18 on an owner-occupied dwelling, if the person challenging the
19 lien prevails, the court may award reasonable attorney fees and
20 actual damages. If the court determines that the mechanic's
21 lien was filed in bad faith or the supporting affidavit was
22 materially false, the court shall award the owner reasonable
23 attorney fees plus an amount not less than five hundred dollars
24 or the amount of the lien, whichever is less, and the amount of
25 the bond filed pursuant to section 572.8.

26 EXPLANATION

27 This bill requires a person who files a mechanic's lien
28 pursuant to Code section 572.8 to file a bond in the amount of
29 \$1,000.

30 Current law requires the court, in a court action to
31 challenge a mechanic's lien filed on an owner-occupied
32 dwelling, to award the owner reasonable attorney fees plus an
33 amount not less than \$500 or the amount of the lien, whichever
34 is less, if the court determines that the mechanic's lien was
35 filed in bad faith or the supporting affidavit was materially

1 false. The bill requires the court to also award the owner the
2 amount of the bond in such a case.